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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,865	01/26/2001	Thomas R. Lemmons	UV/001 C2	7787

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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,865

Applicant(s)

LEMMONS ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,10-14,16 and 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,15,17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 09/05/2006 have been fully considered but they are not persuasive.

Applicant argues (page 8, lines 1-27), "...A link icon is not a navigation cell or a navigation point as specified in applicants' independent claim 2 and 15 at least because it is not associated with a designated group of channel or time cells and because it does not cause the program guide to be navigated such that program information associated with the designated group of channel or time cells is displayed in program information cells."

In response, the Examiner respectfully disagrees with Applicant because Young clearly discloses a program guide to be navigated such that program information associated with the designated group of channel or time cells, i.e., Fig. 2, shows at time cell 12:00 PM with program information (At Noon, Inside Edition, etc...), is displayed in program information cells (see Fig. 2-3, 5-7). In view of that Young, at least icon 46 of Fig. 5 is a navigation point associated with a corresponding program information, i.e., a user by selecting el. 46, the system causes the program guide display a list of TV program includes channel and time as well as title that matches the same vintage of a series of Lucy so that user could navigate the list for selection (Col. 8, lines 25-36). In view of that the examiner maintains the rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2, 4-9, 15, 17-22 are rejected under 35 U.S.C. 102(b) as being unpatentable by Young (5727060).

Claim 2, Young discloses a method for navigating in a program guide (Col. 4, lines 47-Col. 5, lines 6), comprising:

Presenting the program guide to a user, the program guide comprising a time bar divided into a plurality of horizontally arranged time cells, a channel bar divided into a plurality of vertically arranged channel cells, and a program grid having a plurality of cell arranged in rows and columns, each of the cells being associated with one of the channel cells and at least one of the time cells (see Fig. 1-3, 5-6), wherein

At least one of the cells (26) in the program grid corresponds to a navigation cell selectable by the user (all the cells within the Grid are “navigation cell” because user could navigate through those cells by cursor 32, the navigation cell comprising at least one navigation point (see Fig. 5, “program linking icon” 46) associated with a designated group of channel cells or time cells (icon 46 of Fig. 5 is a navigation point associated with a corresponding program information, i.e., a user by selecting el. 46, the system causes the program guide display a list of TV programs includes channel

and time as well as title that matches the same vintage of a series of Lucy; Col. 8, lines 25-36). , and

A remainder of the cells in the program grid corresponds to a program information cell (reads on all the cells with title/text description of corresponding TV program);

Receiving a user selection of the navigation cell (reads on the user using a remote control to navigate through the cells and t to select one of the cell for displaying TV programming content; Col. 6, lines 61-Col. 7, lines 40); and

Navigating the program guide to the at least one navigation point in response to the user selection of the navigation cell (Col. 8, lines 11-36) such that program information associated with the designated group of channel cells or time cells is displayed in the program information cells (reads on icon 46 of Fig. 5 is a navigation point associated with a corresponding program information, i.e., a user by selecting el. 46, the system causes the program guide display a list of TV programs includes channel and time as well as title that matches the same vintage of a series of Lucy so that user could navigate the list for selection; Col. 8, lines 25-36). .

Claim 4, Young further discloses reposition a cursor from a program information cell within the program grid to the navigation cell (inherently reads on the navigation features using a remote control, Col. 6, lines 61-Col. 7, lines 40).

Claim 5, Young further discloses scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (reads on

Fig. 1-3, 5-6 in which the user scrolls up/down the cursor along the program title/cell el. 26 within the program display el. 10 in which the cells 26 stay fixed within the Grid).

Claim 6, Young further discloses presenting an icon in the navigation cell (the navigation cell 26 is an icon because of its 3D presentation when the cell is highlighted by the cursor 32, Col. 7, lines 20-27, see Fig. 1-3, 5-6).

Claim 7, Young further discloses wherein the at least one navigation point corresponds to programs that are currently being broadcast (see Fig. 5 with el. 46 associated with programs that are currently broadcasting and correspond to navigation point of "Lucy" show, as described in Col. 8, lines 2-37).

Claim 8, Young further discloses wherein the at least one navigation point corresponds to programs that are broadcast on a premium channels selection (Pay Per View) displays list of PPV programming (Col. 27, lines 1-5).

Claim 9, Young further discloses wherein the at least one navigation point corresponds to programs that are broadcast during a primetime time period (Col. 24, lines 38-42).

System claim 15 is respectively analyzed to method claim 2;

System claim 17 is respectively analyzed to method claim 4;

System claim 18 is respectively analyzed to method claim 5;

System claim 19 is respectively analyzed to method claim 6;

System claim 20 is respectively analyzed to method claim 7;

System claim 21 is respectively analyzed to method claim 8;

System claim 22 is respectively analyzed to method claim 9;

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
11/22/2006

  
**HAITRAN**  
**PRIMARY EXAMINER**